CLERK'S OFFICE U.S. DIST. COURT AT CHARLOTTESVILE, VA...

FEB 0 8 2011

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

MARY SUSAN SHARP,	) CASE NO. 4:10CV00026
Plaintiff,	)
v.	) REPORT AND RECOMMENDATION
MR. MICHAEL J. ASTRUE,	)
Commissioner of Social Security,	)
·	) By: B. Waugh Crigler
Defendant.	) U. S. Magistrate Judge
	)

Plaintiff filed the instant action on June 8, 2010, and on August 17, 2010, she filed a motion to supplement the record which was drafted by a third party. The presiding District Judge entered an Order on August 20, 2010 striking plaintiff's motion to supplement the record on the basis that, though she had elected to proceed *pro* se, the motion was drafted by another person who was not an attorney licensed in Virginia or admitted before the court. The presiding District Judge cautioned that any future filings by a representative for plaintiff must be submitted by an attorney licensed to practice law in the Western District of Virginia, and all filings must comply with this Court's Local Rules and Rule 11 of the Federal Rules of Civil Procedure.

On October 18, 2010, plaintiff filed a motion for jury trial. Because jury trials are not permitted in Social Security cases, the undersigned denied plaintiff's October 18, 2010 motion.

Though plaintiff's motion for summary judgment and supporting brief were due on or before November 15, 2010, she failed to comply with that schedule. On November 29, 2010, the undersigned entered an Order directing her to show cause why the case ought not be dismissed.

On December 14, 2010, plaintiff filed a pleading entitled "Answer To Show Cause." Plaintiff's "Answer" represents a collection of briefs drafted by plaintiff's lay administrative representative and

submitted to the Social Security Administration on her behalf at various stages during the administrative process. The undersigned believes this collection of pleadings fails to conform to the provisions set forth in the District Judge's August 20, 2010 Order and should be stricken. That being the case, plaintiff has failed to show cause why this action should not be dismissed.

For these reasons, it hereby is

## RECOMMENDED

that an Order enter STRIKING plaintiff's December 14, 2010 response to the court's November 29, 2010 show cause Order from the court's docket, AFFIRMING the Commissioner's final decision, GRANTING the Commissioner's motion for summary judgment, and DISMISSING this action from the docket of the court.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within fourteen (14) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(l)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection.

The Clerk is directed to transmit a certified copy of this Report and Recommendation to all counsel of record and mail a copy to the plaintiff.

ENTERED:

U. S. Magistrate Judge

Date